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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,391	11/25/2003	Marcus Felipe Fontoura	ARC920030080US1	8873

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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	Application No.	Applicant(s)
Office Action Summary	10/723,391	FONTOURA ET AL.
	Examiner	Art Unit	
	Joseph D. Wong	2168	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1, 13, 25 and 37-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 13, 25 and 37-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 13, 25, 37-53 have been considered but are moot in view of the new ground(s) of rejection as necessitated by the instant claim amendment.

Accordingly, all pending claims are in a rejected state.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13, 25, 37, 38-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Fry, US Pre-Grant Pub. No. 2003/0159112 Al, Filed 26 Nov 2002, Provisional Filed on 21 Feb 2002, Pub. Date 21 Aug 2003.

Regarding claim 1, Fry teaches a method for (interpreted to

be an intended use) query processing by using a streaming

application programming interface (API) for a mark-up language

data stream of a textual document (see Abstract, cover Fig.,

wherein the textual limitation is met text shown in Fig. 3),

said method comprising: producing, by said streaming API for a

mark-up language data stream (Abstract, wherein a mark-up

language data stream is interpreted to include an "XML stream"),

an ordered index of all textual elements corresponding to their

order in said mark-up language data stream (Fig. 3, wherein the

elements are shown in an order), said ordered index comprising

tag identifiers and end positions corresponding to each of said

all textual elements ([30, 35], wherein navigation to the end of

a document is discussed, also see claim 1); scanning by a

processor (Fig. 1, item 106 meets the limitation), all tag

identifiers of said ordered index to determine if there exists a

match between a query and any of said tag identifiers ([31],

wherein the ordered index is stepped until the element to be

extracted is processed by the base parser); parsing a matched

textual element ([31], supra), if (interpreted to be

conditional) a tag identifier ([31], wherein the tag identifier

is interpreted to be an "element tag"), corresponding to said

matched textual element, matches said query ([31], wherein

iterative stepping conditioned on a match meets the limitation);

and skipping an unmatched textual element for parsing ([28-30],

wherein the skip function allows the programmer to "skip ahead

to specific sections...or get subections"), if (interpreted to

be conditional) a tag identifier, corresponding to said

unmatched textual element, does not match said query. ([28-30],

wherein "Element type two ends when another end tag is reached

in the document", also see Fig. 3)

Regarding claim 13, Fry teaches a system for query

processing by using a streaming application programming

interface (API) for a mark-up language data stream of a textual

document (see Abstract, cover Fig., wherein the textual

limitation is met text shown in Fig. 3), said system

comprising: an ordered index of all textual elements

corresponding to their order in said mark-up language data

stream (Abstract, wherein a mark-up language data stream is

interpreted to include an "XML stream"), said ordered index

comprising tag identifiers and end positions corresponding to

each of said all textual elements and being produced by said

streaming API for a mark-up language data stream (Fig. 3,

wherein the elements are shown in an order); a processor (Fig.

1, item 106 meets the limitation) adapted to scan all tag

identifiers of said ordered index to determine if there exists a

match between a query and any of said tag identifiers ([30, 35],

wherein movement to the end of a document is discussed, also see

claim 1); and a parser adapted to parse a matched textual

element ([31], supra), if a tag identifier corresponding to said

matched textual element ([31], wherein iterative stepping

conditioned on a match meets the limitation), matches said

query, and to skip an unmatched textual element for parsing

([28-30], wherein the skip function allows the programmer to

"skip ahead to specific sections...or get subections"), if

(interpreted to be conditional) a tag identifier, corresponding

to said unmatched textual element, does not match said query.

([28-30], wherein "Element type two ends when another end tag is

reached in the document", also see Fig. 3)

Regarding claim 25, Fry teaches a program storage device

readable by computer comprising a program of instructions

executable by said computer to perform a method for query

processing by using a streaming application programming

interface (API) for a mark-up language data stream of a textual

document (see Abstract, cover Fig., wherein the textual

limitation is met text shown in Fig. 3), said method

comprising: producing, in said streaming API for a mark-up

language data stream (Abstract, wherein a mark-up language data

stream is interpreted to include an "XML stream"), an ordered

index of all textual elements corresponding to their order in

said mark-up language data stream (Fig. 3, wherein the elements

are shown in an order), said ordered index comprising tag

identifiers and end positions corresponding to each of said all

textual elements (Fig. 3, wherein the elements are shown in an

order); scanning by a processor (Fig. 1, item 106 meets the

limitation), all tag identifiers of said ordered index to

determine if there exists a match between a query and any of

said tag identifiers; parsing a matched textual element, if a

tag identifier (interpreted to be conditional), corresponding to

said matched textual element ([31], supra), matches said query;

and skipping an unmatched textual element for parsing ([28-30],

wherein the skip function allows the programmer to "skip ahead

to specific sections...or get subections"), if a tag identifier

(interpreted to be conditional), corresponding to said unmatched

textual element, does not match said query. ([28-30], wherein

"Element type two ends when another end tag is reached in the

document", also see Fig. 3)

Regarding claim 37, Fry teaches a system for a query

processing by using a streaming application programming

interface (API) for a mark-up language data stream of a textual

document (see Abstract, cover Fig., wherein the textual

limitation is met text shown in Fig. 3), said system

comprising: an ordered index of all textual elements

corresponding to their order in said mark-up language data

stream (Abstract, wherein a mark-up language data stream is

interpreted to include an "XML stream"; Fig. 3, wherein the

elements are shown in an order), said ordered index comprising

tag identifiers and end positions corresponding to each of said

all textual elements and being produced by said streaming API

for a mark-up language data stream (see Abstract, Fig. 3); a

processor (Fig. 1, item 106 meets the limitation) adapted to

scan all tag- identifiers of said ordered index to determine if

there exists a match between a query and any of said tag

identifiers ([31], wherein iterative stepping conditioned on a

match meets the limitation); and a parser adapted to skip an

unmatched textual element, if (interpreted to be conditional) a

tag identifier , corresponding to said unmatched textual element

[31], supra), does not match said query. ([28-30], wherein

"Element type two ends when another end tag is reached in the

document", also see Fig. 3)

Regarding claim 38, Fry teaches the method, all the

limitations of which are incorporated herein by reference,

wherein each of said textual elements comprises textual sub-

elements, and each of said textual sub-elements comprised a tag

identifier and an end position. ([28-31], Figs. 2-3)

Regarding claim 39, Fry teaches the method, all the

limitations of which are incorporated herein by reference,

further comprising storing a parsed matched textual element in a

buffer. ([28-31], Figs. 2-3)

Regarding claim 40, Fry teaches the method, all the

limitations of which are incorporated herein by reference,

wherein upon said skipping of said unmatched textual element for

parsing, said method further comprises offsetting said parser

based upon an end position stored in said ordered index and

corresponding to said unmatched textual element. ([28-31], Figs. 1-3, limitation is interpreted to be a negative)

Regarding claim 41, Fry teaches the method, all the limitations of which are incorporated herein by reference, wherein said mark-up language data stream comprises HyperText Markup Language (HTML) (interpreted to be an optional alternative) or Extensible Markup Language (XML). (Abstract)

Regarding claim 42, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein each of said textual elements comprises textual sub-elements, and each of said textual sub-elements comprising a tag identifier and an end position. ([28-31], Figs. 2-3)

Regarding claim 43, Fry teaches the system, all the limitations of which are incorporated herein by reference, further comprising a buffer, operatively connected to said parser, in which a parsed matched textual element is stored. ([28-31], Figs. 1-3)

Regarding claim 44, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein said parser is offset based upon an end position stored in said ordered index that corresponds to said unmatched textual element. ([28-31], Figs. 2-3)

Regarding claim 45, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein said mark-up language data stream comprises HyperText Markup Language (HTML) (interpreted to be an optional alternative) or Extensible Markup Language (XML). (Abstract)

Regarding claim 46, Fry teaches the program storage device, all the limitations of which are incorporated herein by reference, wherein each of said textual elements comprises textual subelements, and each of said textual sub-elements comprises a tag identifier and an end position. ([28-31], Figs. 1-3)

Regarding claim 47, Fry teaches the program storage device, all the limitations of which are incorporated herein by

reference, further comprising storing a parsed matched textual element in a buffer. ([28-31], Figs. 1-3)

Regarding claim 48, Fry teaches the program storage device, all the limitations of which are incorporated herein by reference, wherein upon said skipping if said unmatched textual element for parsing, said method further comprises offsetting said parser based upon an end position stored in said ordered index and corresponding to said unmatched textual element. ([28-31], Figs. 1-3, limitation is interpreted to be a negative)

Regarding claim 49, Fry teaches the program storage device, all the limitations of which are incorporated herein by reference, wherein said mark-up language data stream comprises HyperText Markup Language (HTML) (interpreted to be an optional alternative) or Extensible Markup Language (XML). (Abstract)

Regarding claim 50, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein each of said textual elements comprises textual sub-elements, and each of said textual sub-elements comprising a tag identifier and an end position. ([28-31], Figs. 1-3)

Regarding claim 51, Fry teaches the system, all the limitations of which are incorporated herein by reference, further comprising a buffer, operatively connected to said parser, in which a parsed matched textual element is stored. ([28-31], Figs. 1-3)

Regarding claim 52, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein said parser is offset based upon an end position stored in said ordered index that corresponds to said unmatched textual element. ([28-31], Figs. 1-3, limitation is interpreted to be a negative)

Regarding claim 53, Fry teaches the system, all the limitations of which are incorporated herein by reference, wherein said mark-up language data stream comprises HyperText Markup Language (HTML) (interpreted to be an optional alternative) or Extensible Markup Language (XML). (Abstract)

Conclusion

Applicant's amendment necessitated the amended citations (or new ground(s)) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (September 2007) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 8:30AM - 6:00PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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15 January 2008

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